

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ANGELO CLARK,

Plaintiff,

V.

REGIONAL MEDICAL FIRST
CORRECTIONAL,
MANAGER ANGELA WILSON, AND
CORRECTIONAL MEDICAL SERVICES

Defendants.

C. A. No. 06-465 - SLR

TRIAL BY JURY OF
TWELVE DEMANDED

**CORRECTIONAL MEDICAL SERVICES, INC.’S MOTION TO STRIKE AND
PLAINTIFF’S LETTER TO JUDGE SUE L. ROBINSON
DOCKET #129**

COMES NOW, Correctional Medical Services, Inc. (hereinafter Defendant) by and through their undersigned attorney to hereby move to strike Plaintiff's Letter to Judge Sue L. Robinson (DI 129) as follows:

1. Defendant contends that DI 129 is not responsive and/or connected to any matter currently pending before the Court and contains hearsay information regarding medical conditions that are not being properly submitted to the Court.

2. While Defendant understands that Plaintiff is *pro se* he cannot be allowed to continue to send arbitrary arguments to the Court that appear to be for informational purposes only and/or evidence in support of his case without laying the proper foundations for same.

3. Currently the only matters pending before the Court are as follows:

a. Defendants' Motion for Summary Judgment (DI 72); Plaintiff's Response (DI 106); Plaintiff's Second Response (DI 108) (which is in excess of pleadings allowed pursuant to D. Del. L.R. 7.1.2 (b)) and Defendant's Reply (DI 119).

b. Plaintiff's Motion for Summary Judgment (DI 112-116 & 121); Defendants' Response (DI 123) and Plaintiff's Reply (DI 127).

4. Due to Plaintiff's *pro se* status Defendant gave Plaintiff the benefit of the doubt on letters submitted to the Court in DI 125 and 126, however, Defendant contends that Plaintiff cannot continue to submit arbitrary letters and evidentiary statements containing hearsay information and unsubstantiated medical opinions to the Court.

5. The pleading schedules for the Motions for Summary Judgment are closed. D. Del. L.R. 7.1.2 (b) provides that after the brief, response and reply, no additional papers (except for subsequent authorities) shall be filed absent Court approval. Since DI 129 is not connected to any pending pleading and is an inappropriate method of getting evidence before the Court, it should be stricken at this time.

WHEREFORE, Defendant, Correctional Medical Services, Inc., respectfully request that DI 129 be stricken from the record.

August 20, 2008

/s/ Eileen M. Ford

Megan Mantzavinos, Esquire (ID No. 3802)
Eileen M. Ford, Esquire (ID No. 2870)
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Attorney for Defendant CMS

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CERTIFICATE OF SERVICE

I, **Eileen M. Ford, Esquire**, hereby certify that on **August 20, 2008**, I electronically filed the **Correctional Medical Services, Inc.'s Motion to Strike Plaintiff's Letter to Judge Sue L. Robinson (DI 129)** with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

I have served, via first class, mail two copies of foregoing to the Pro Se Plaintiff:

Angelo Clark
SBI # 123209
Delaware Psychiatric Center
James E. Mitchell Bldg.
1901 N. DuPont Hwy
New Castle DE 19720

/s/ Eileen M.Ford

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